

## Use of Alcohol, Drugs and Other Prohibited Substances

### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

No pupil shall purchase, possess, attempt to possess, use, be under the influence of, sell, or transfer any of the following on or about school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.

In addition, students shall not possess prescription drugs for the purpose of sale or distribution.

### **DEFINITIONS**

**Controlled substance** means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under KRS 218A.010.

**Extra-curricular activity** means any activity sponsored by, held in conjunction with or supervised and/or controlled by employees of the District, but not required by any of the courses of study offered by schools in the District. The definition of extra-curricular activities includes, but is not limited to, participation in inter-scholastic athletics, intra-mural athletics, clubs and organizations, and maintaining parking privileges through parking permits on school premises. The definition of extra-curricular activity does not include co-curricular activities where participation is required as part of a course of study.

**Prohibited drugs** include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

**Prohibited substances** include:

1. All prescription drugs obtained with or without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs and prohibited volatile substances as defined in KRS 217.900 that are used or intended for use for an abusive and/or intoxicating purpose.

### **AUTHORIZED MEDICATION**

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

### **PENALTY**

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or other school-sponsored activities.

**Use of Alcohol, Drugs and Other Prohibited Substances****REPORTING**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

**PREVENTION PROGRAM****DRUG-TESTING**

The program consists of the component:

1. Alcohol and Drug Safety Policy for Voluntary Participants, Athletes, Students Who Participate in Extra-Curricular Activities at the high school level

ALL STUDENT PARTICIPANTS IN EXTRA-CURRICULAR ACTIVITIES AND VOLUNTARY PARTICIPANTS, AND THEIR PARENTS OR LEGAL GUARDIANS MUST READ THE FOLLOWING POLICY AND MUST ACKNOWLEDGE, IN WRITING, THAT THEY HAVE READ THE POLICY, UNDERSTAND THE POLICY, AND AGREE TO BE BOUND BY THE TERMS AND CONDITIONS CONTAINED IN THE POLICY.

**Statement of Purpose**

The policy is intended to provide incentives to Marion County High School students who voluntarily choose to participate in Marion County High School extra-curricular activities to avoid such use. This policy is not designed to be used, nor shall it voluntarily be used in any manner, to provide a source of information for law enforcement agencies or for the prosecution of the student or to limit the student's participation in the school's activities, other than the limitations imposed by this policy. Without a specific written authorization from the tested student or parent, if the student is under eighteen (18) years of age, no test results of any student shall be released to any person other than is required by law or lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy provides for suspension and termination of participation in Marion County High School extra-curricular activities when deterrence is unsuccessful. To determine compliance with the policy, it provides a testing program to identify student participants who are unlawfully using alcohol and other drugs. For these students, the policy provides incentives for rehabilitation through possible reinstatement to extra-curricular activities.

**Use of Alcohol, Drugs and Other Prohibited Substances****DRUG-TESTING (CONTINUED)****Implementation, Review, and Evaluation**

The Superintendent shall establish procedures as needed to implement this policy fairly and efficiently. In addition, the Superintendent shall review and evaluate the effectiveness of the Alcohol and Drug Safety Policy on an annual basis.

**Applicability**

This policy applies to all students who choose to participate in Marion County High School extra-curricular activities and those students who enroll voluntarily or are enrolled by their parent(s) or guardian(s).

**Testing Program**

In order to accomplish the purpose of this policy, each student participant in Marion County High School extra-curricular activities and those student who voluntarily enroll or are enrolled by their parent(s) or guardian(s), shall be required to participate in a program of substance abuse testing. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) that each specimen is identified with the appropriate student participant, (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process, as well as the confidentiality of test results. Specific testing procedures are located in the Appendix.

The parent(s) or guardian(s) of a student selected for testing under this Program shall not be permitted to be present during the administration of the test.

Testing procedures shall provide for an alternative to the testing of a urine specimen in the event that the student is physically unable to produce a urine specimen. Refusal by the student to submit to the test shall be deemed to have produced a positive test and the sanctions described in subpart F below shall be administered.

In the event that a student tests positive after being administered a test, that student shall be permitted to obtain a second test, at the student's expense, from the testing laboratory currently under contract with the Board. The second test must be arranged and administered within twenty-four (24) hours of the prior positive test result and shall be conducted at a time selected by the testing lab and at a location away from the campus of Marion County High School, also selected by the testing lab. In the event that the second test administered by the testing lab is negative, the student's suspension from extra-curricular activities shall immediately be vacated, the student shall be reinstated to extracurricular activities, no sanction shall be assessed and the initial positive test shall be deemed a "false-positive" test and considered thereafter as a negative test result. Further, in such event, the student, his parent(s) or guardian(s) shall be reimbursed by the Board for the testing laboratory's charges for conducting the second test. Travel and other expenses incurred by the student, parent(s) or guardian(s) shall not be subject to reimbursement.

**Use of Alcohol, Drugs and Other Prohibited Substances****DRUG-TESTING (CONTINUED)****Substances Screened/Tested**

Student participants' urine specimens will be tested for the following:

<b>DRUG CLASS</b>	<b>SCREEN CUTOFF</b>	<b>GC/MS CUTOFF</b>
Carboxy – THC (marijuana – met)	50ng/ML	10ng/ML
Amphetamines/Methamphetamine (Ecstasy/MDMA)	1000ng/ML	500ng/ML
Benzoyllecgonine (Cocaine – Met)	300ng/ML	150ng/ML
Opiates (Codeine/Morphine)	300ng/ML	300ng/ML
Phencyclidine/PCP	25ng/ML	25ng/ML
Barbiturates	300ng/ML	200ng/ML
Benzodiazepines	300ng/ML	150ng/ML
Propoxyphene	300ng/ML	200ng/ML
Methadone	300ng/ML	200ng/ML
Methaqualone	300ng/ML	200ng/ML
Urine Alcohol	.02	.02
Any other abused, illegal, or banned substances as shall be banned by the Board		

**Sanctions**

Students whose test results are positive for drugs or alcohol shall receive the following sanctions:

1. First violation:
  - a. The participating in extra-curricular activities shall have participation in extracurricular activities suspended for the following three (3) weeks. During the period of suspension, the suspended student shall not be permitted to practice, dress-out, travel with, or receive recognition with or for the activity(s) from which the student was suspended until reinstated to the activity from which the student was suspended, or-re-issue of the parking permit. Prior to reinstatement to extra-curricular activities the student may be required to submit to a new drug test at the student's expense, administered in accordance with the same procedures utilized for random drug testing. The testing laboratory currently under contract must conduct all subsequent drug tests. A positive result shall be treated as a second violation.
  - b. If a student is reinstated to extra-curricular activities following a first violation, the student's participation in other extra-curricular activities shall not be restricted solely because of the existence of the first violation, as long as the student has completed the period of suspension and was appropriately reinstated.

**Use of Alcohol, Drugs and Other Prohibited Substances****DRUG-TESTING (CONTINUED)**

2. Second violation:
  - a. The student participating in extra-curricular activities shall have participation in extra-curricular activities suspended for the following nine (9) weeks. During the period of suspension, the suspended student shall not be permitted to practice, dress-out, travel with, or receive recognition with or for the activity(s) from which the student was suspended until reinstated to the activity from which the student was suspended, or re-issue of the parking permit. Prior to reinstatement to extracurricular the student must submit to a new drug test at the student's expense, administered in accordance with the same procedures utilized for random drug testing. The testing laboratory currently under contract must conduct all subsequent drug tests. A positive result shall be treated as a third violation. If a student is reinstated to extra-curricular activities following a second violation, the student's participation in other extra-curricular activities shall not be restricted solely because of the existence of the second violation, as long as the student has completed the period of suspension and was appropriately reinstated.
  - b. If a student is reinstated to extra-curricular activities following a second violation, the student's participation in other extra-curricular activities shall not be restricted solely because of the existence of the second violation, as long as the student has completed the period of suspension and was appropriately reinstated
3. Third violation:
  - a. Upon a third or subsequent violation of this Policy, the student shall be suspended from participation in extra-curricular activities for a period of one (1) calendar year from the date of the last test yielding positive results. During the period of suspension, the suspended student shall not be permitted to practice, dress-out, travel with, or receive recognition with or for the activity(s) from which the student was suspended until reinstated to the activity from which the student was suspended, or re- issue of the parking permit.. Prior to reinstatement to extra-curricular activities the student must submit to a new drug test at the student's expense, administered in accordance with the same procedures utilized for random drug testing. The testing laboratory currently under contract must conduct all subsequent drug tests.
  - b. If a student is reinstated to extra-curricular activities following a third violation, the student's participation in other extra-curricular activities shall not be restricted solely because of the existence of the third violation, as long as the student has completed the period of suspension and was appropriately reinstated.

**Use of Alcohol, Drugs and Other Prohibited Substances****Drug-Testing (continued)**

4. Any offense by a voluntary student participant who does not participate in extra-curricular activities shall be reported to the student's parent(s) or guardian(s), but no discipline may occur through this policy. However, such student shall not be permitted to thereafter participate in extra-curricular activities for a period of time thereafter equivalent to the suspension period and under the terms of reinstatement applicable to other students participating in the program.

**Notice to Participants**

Prior to tryouts or joining an extra-curricular activity, the head coach, faculty advisor, Principal or other supervising adult involved with the particular extra-curricular activity shall provide to the student participant and their parent or legal guardian a written copy of this policy. Each student who chooses to participate in extra-curricular activities and a parent or legal guardian of that student shall be required to sign a statement acknowledging that the student and the student's parent or legal guardian have read this policy, understand the policy, and agree to be bound by the terms and conditions contained in this policy.

**Amendment of Policy**

The School Board is autonomous and may amend this policy at any time.

**REFERENCES:**

OAG 82-633; OAG 93-32

KRS 158.150; KRS 158.154; KRS 158.155

KRS 160.290; KRS 161.180; KRS 217.900; KRS 218A.020

Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).

Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, \_\_\_ U.S. \_\_\_, 242 F.3d 1264 (2002).

Improving America's Schools Act of 1994 (IASA), Title IV: Safe and Drug-Free Schools and Communities

**RELATED POLICY:**

09.2241